

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

BARRY EARLS, THOMAS FETSCH,
DAVID KIEL, TRENT SHORES, STEVE
SCHUSSLER, CASSIE LIETAERT,
CHRIS JESSE, individually and on behalf
of a class of similarly situated individuals,

Plaintiffs,

v.

MENARD, INC., a Delaware [sic] corporation,
and JOHN DOES 1-10,

Defendants.

Case No. 20 CV 107

Hon. James D. Peterson

DECLARATION OF JAMES BOLAND

I, James Boland, pursuant to 28 U.S.C. § 1746, declare under penalties of perjury that the foregoing statements are true and correct:

1. I am a resident of the state of Illinois, over eighteen years of age, a partner at the law firm Freeborn & Peters, LLP, counsel to defendant Menard, Inc. in the above-captioned action, and have personal knowledge of the facts set forth herein.

2. Attached as Boland Decl. Ex. A is a true and correct excerpt from the rough transcript of the February 24, 2021 deposition of plaintiff Barry Earls. *See* page 78, lines 13-17.

3. Attached as Boland Decl. Ex. B is a true and correct excerpt from the rough transcript of the February 23, 2021 deposition of plaintiff Chris Jesse. *See* page 209, lines 9-16.

4. Attached as Boland Decl. Ex. C is a true and correct excerpt from the rough transcript of the March 2, 2021 deposition of plaintiff Thomas Fetsch. *See* page 230, lines 13-21.

5. Attached as Boland Decl. Ex. D is a true and correct copy of a document

produced by plaintiff Chris Jesse on October 29, 2020 and marked as deposition exhibit DX67. *See* pp. P000010-12.

6. Attached as Boland Decl. Ex. E is a true and correct copy of a document produced by plaintiff Thomas Fetsch on October 29, 2020 and marked as deposition exhibit DX102. *See* pp. P000054-55.

7. Attached as Boland Decl. Ex. F is a true and correct copy of deposition exhibit DX40, which reflects all class-period rebate data relating to plaintiff Chris Jesse that was produced to plaintiffs' counsel on November 27, 2020.

8. Attached as Boland Decl. Ex. G is a true and correct copy of deposition exhibit DX110, which reflects all class-period rebate data relating to plaintiff Thomas Fetsch that was produced to plaintiffs' counsel on November 27, 2020.

Dated: March 8, 2021

/s/ James J. Boland

James J. Boland

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